

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BDO SEIDMAN LLP,

Plaintiff,

- against -

MARC S. KIRSCHNER,

Defendant.
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: 09 Civ. 3654 (VM)


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: **ORDER**
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VICTOR MARRERO, United States District Judge.

In accordance with the Transfer Order May 12, 2009 issued by the United States Panel on Multidistrict Litigation in connection with MDL No. 2021, the Clerk of Court is directed to transfer this case to the Western District of Pennsylvania pursuant to 28 U.S.C. § 1407.

SO ORDERED.

Dated: NEW YORK, NEW YORK
15 May 2009


VICTOR MARRERO
U.S.D.J.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-15-09

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

May 12, 2009

FILED
CLERK'S OFFICE

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: LE-NATURE'S, INC.,
COMMERCIAL LITIGATION**

BDO Seidman, LLP v. Marc S. Kirshner,)
S.D. New York, C.A. No. 1:09-3654)

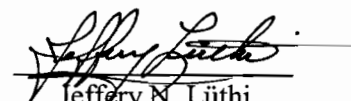
MDL No. 2021

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Seidman*) on April 17, 2009. Prior to expiration of that order's 15-day stay of transmittal, defendant in *Seidman* filed a notice of opposition to the proposed transfer. Defendant subsequently withdrew his notice of opposition.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-1" filed on April 17, 2009, is LIFTED. This action is transferred to the Western District of Pennsylvania for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Donetta W. Ambrose.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
J. Frederick Motz
United States District Court
District of Maryland

Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

May 12, 2009

J. Michael McMahon, Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: MDL No. 2021 -- IN RE: Le-Nature's, Inc., Commercial Litigation

(See Attached Order)

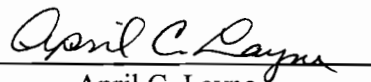
Dear Mr. McMahon:

A conditional transfer order was filed in the above matter on April 17, 2009. Prior to the expiration of that order's 15-day stay, opposition to the proposed transfer was filed and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order was stayed until further order of the Panel. The opposition has now been withdrawn and I am therefore attaching as a separate PDF document a copy of today's order lifting the stay of the conditional transfer order and transferring the action pursuant to 28 U.S.C. § 1407. The order is directed to you for filing. A certified copy of this order has also been transmitted via email today to the Western District of Pennsylvania.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
April C. Layne
Docket Specialist

Attachment

cc: Transferor Judge: Judge Victor Marrero

**IN RE: LE-NATURE'S, INC., COMMERCIAL
LITIGATION**

MDL No. 2021

INVOLVED COUNSEL LIST

Steven L. Caponi
BLANK ROME LLP
1201 North Market Street, Suite 800
Wilmington, DE 19801

Gregory C. Cook
BALCH & BINGHAM LLP
P.O. Box 306
Birmingham, AL 35201-0306

Michael M. Fay
KASOWITZ BENSON TORRES &
FRIEDMAN LLP
1633 Broadway
21st Floor
New York, NY 10019

Robert W. Fuller
ROBINSON BRADSHAW & HINSON PA
101 North Tryon Street
Suite 1900
Charlotte, NC 28246-1900

David E. Getzik
320 Crabapple Drive
Washington, PA 15301

Christopher P. Johnson
KASOWITZ BENSON TORRES &
FRIEDMAN LLP
1633 Broadway, 21st Floor
New York, NY 10019

Robert B. Lynn
3187 State Route 711
Ligonier, PA 15658

Jerome A. Miranowski
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901

Andrew Murin, Jr.
120 Holly Drive
McMurray, PA 15317-3514

Gregory Podlucky
345 Cobblestone Lane
Ligonier, PA 15658

Donald K. Pollinger
8100 Nathaniel Greene Lane
Charlotte, NC 28212

Paul Pollinger
8100 Nathaniel Greene Lane
Charlotte, NC 28212

Pollinger Co.
8100 Nathaniel Greene Lane
Charlotte, NC 28212

Richard A. Saldinger
SHAW GUSSIS FISHMAN GLANTZ
WOLFSON & TOWLIN LLC
321 North Clark Street
Suite 800
Chicago, IL 60654

Cary B. Samowitz
DLA PIPER US LLP
1251 Avenues of the Americas
27th Floor
New York, NY 10020

Andrew J. Wronski
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306